

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN TURNER, et al

:

CIVIL ACTION

:

v.

:

NO. 04-cv-0936 (JJF)

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:

B.V. SHIPPING COMPANY LUZON
STRAIT (GRONINGEN)

:

:

**DEFENDANT B.V. SHIPPING COMPANY LUZON STRAIT (GRONINGEN)'S
PROPOSED VOIR DIRE**

Defendant, B.V. Shipping Company Luzon Strait (Groningen), by and through its undersigned attorneys, submits the following proposed questions for the voir dire of the jury.

1. Where do you live?
2. What is your present occupation?
3. Who is your employer?
4. Are you married? If so, what is your spouse's occupation and who is your spouse's employer? If your spouse is deceased, what was the occupation and who was the employer of your deceased spouse?
5. Do you have any children? Are any of them employed? For whom do they work and what do they do?
6. The plaintiffs in this lawsuit are John and Nanette Turner, 701 West 19th Street, in Wilmington, Delaware. Do any of you know the plaintiffs or any member of their family?

7. The plaintiffs' attorney is Stanley B. Gruber of the law firm Freedman and Lorry P.C. and Mr. Gruber's local counsel is Stephen B. Potter of the law firm of Potter Carmine, Leonard & Aaronsen, P.A.

(a) Do any of you know Mr. Gruber or Mr. Potter or anyone who works for their firms?

(b) Have you, anyone in your family, or any of your acquaintances ever been represented by Mr. Gruber, Mr. Potter or any lawyers in their firms ?

8. Defendant B.V. Shipping Company Luzon Strait (Groningen) ("B.V. Shipping") is represented by Richard Q. Whelan and Michael B. McCauley, of the law firm of Palmer Biezup & Henderson LLP.

(a) Do any of you know Mr. Whelan or Mr. McCauley, any lawyers in their firm, or anyone who works with them?

(b) Have you, anyone in your family, or any of your acquaintances ever been represented by Mr. Whelan or Mr. McCauley, or any lawyers in their law firm?

9. Plaintiff John Turner is a longshoreman who has been employed by stevedoring companies which include Delaware River Stevedores, Inc., Murphy Marine Services, Inc. and Christiana Marine Services, Inc. Are you, or is anyone in your immediate family, an employee or former employee of any of these stevedoring companies.

10. Have you, or anyone in your family, ever been a party to a lawsuit? If so, were you a plaintiff or defendant? What was the nature and outcome of the litigation?

11. Have you served as a juror or a witness in a lawsuit? If so, in what court and what was the nature of the case? What was the outcome of the case?

12. Is there anyone here who thinks that sympathy or prejudice will affect his or her decision as a juror in this matter?

13. Have you or anyone in your family ever injured their back or knee, or had problems with your back or knee, or had a chronic back or knee condition?

14. Defendant B.V. Shipping is a corporation. Is there anyone here that would let that fact alone prejudice their decision in this case or treat B.V. Shipping Company in an unfair manner because it is a corporation?

15. Is there anyone here who, based on what he or she has heard, does not think that he or she could fairly or objectively evaluate the evidence and render a decision?

16. Have you or anyone in your family had personal experience with a personal injury claim of any type? If so, what was the nature and outcome of the claim?

17. The following individuals may testify as experts on behalf of the plaintiffs in this case:

Mr. Hector V. Pazos
Bruce Katz, M.D., Orthopedic Doctor
Irene Fisher, Clinical Psychologist
Robert P. Wolf, Economist / Vocational Consultant

Do you or anyone in your family know either of these individuals?

18. The defendants may present the following individuals as experts in this case:

Ronald Signorino, Stevedoring
Richard I. Katz, M.D., Neurologist
Ronald B. Greene, M.D. Orthopedic Doctor
Gladys Fenichel, Psychiatrist
James Pascuitti, Vocational Consultant
Jerome Staller, Brian P. Sullivan, or Pia Girolamo, Economists

Do you or anyone in your family know any of these individuals?

19. The following doctors and institutions may also be mentioned in this case:

First State Orthopedics, Wilmington Hospital, Christiana Care Center, Tae Sup Song, M.D., St. Francis Hospital, Glasgow Medical Center, Ginger Chaing, M.D., First State Surgery Center, Papastavros Associates, Brandywine Pain Management, Pro Physical Therapy, Anthony I. Cucuzzella, M.D., Delaware Back Pain and Sports Rehabilitation Center, Dr. Fucci, Brandywine Medical Associates, Dynamic Physical Therapy, Diagnostic Imaging Associates, P.A., Dr. Alex Bodenshtab, Omega MRI, Physiatrist Associates, PA.

Have you, or has anyone in your family, or anyone of your acquaintances ever been treated by these doctors or at any of these institutions? Do you, or anyone in your family, know these doctors?

20. Do you or anyone in your family know witnesses Clifford Lasch, Gregory Ringold, William Grinnell, or Sean Brady?

21. This case is expected to last at least 4-5 days. Is there anyone here that has a personal problem which would prohibit his or her serving as a juror for that period of time?

22. Have you, or anyone in your family, ever been employed by a doctor, hospital, or any other sort of medically-related facility or company?

23. Have you or anyone in your family ever filed a lawsuit for personal injuries?

24. Are any of you involved in the practice of law or have any family members or close relatives who are involved in the practice of law ?

25. Have you or any members of your family ever been injured on the job ?

26. Is there anyone who cannot reach a verdict in favor of Defendant B.V. Shipping, if the evidence warrants it, simply because it is a company ?

27. Have you or any member of your family ever been involved in longshore work or any type of work on the waterfront or work in the Port of Wilmington ?

28. Under our law, justice is blind. That means all people and corporations brought before this Court must be treated equally. Is there any person here who cannot view the evidence fairly due to the identity of the parties of the parties involved?

29. Is there anyone here that for any reason cannot fairly evaluate and consider equally the testimony of all the witnesses who may testify during the course of this trial?

30. Is there anyone here who believes that a person should recover in a lawsuit simply because he or she has been injured ?

31. Would the fact that the plaintiff suffered injuries prevent anyone here from finding for the defendant if there was insufficient evidence to show that the defendant was responsible under the law.

32. Is there anyone here that believes they cannot follow the Judge's instructions with respect the defendant's rights, defenses and responsibilities under the applicable law ?

33. Ladies and gentlemen, the fact that plaintiff has filed a lawsuit against my client B.V. Shipping, in and of itself, does not entitle them to recovery of money damages. For a nominal fee, anyone can file a lawsuit. If the plaintiffs fail to prove their case against B.V. Shipping., is there anyone here who will not be able to give a verdict in favor of defendant?

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

By: /s/ Michael B. McCauley
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Dated: October 28 , 2005